

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as
Administratrix of the Estate of EVELINE
BARROS-CEPEDA,
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S CERTIFICATION
OF SERVICE PURSUANT TO THIS COURT'S FEBRUARY 5, 2008 ORDER**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), hereby file this certification of service regarding the service of this Court's February 5, 2008 Order upon nonparty witnesses, Maria DaRosa and Carlos Fernandes. The Defendants hereby certify that on February 17, 2008, Carlos Fernandes was served in hand with a copy of the February 5, 2008 Order, the December 27, 2007 Order, the past deposition subpoenas in this matter, and a subpoena rescheduling his deposition to February 21, 2008. See Exhibit A.

Numerous and extensive efforts were made to serve Maria DaRosa in hand with said documents, but she consistently evaded in hand service. See Exhibit B. Accordingly, the Defendants were left no other alternative other than to provide service of said documents at her residence on February 18, 2008. See Exhibit C.

Respectfully submitted,
DEFENDANTS, THOMAS TAYLOR, JR.
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

Helen G. Litsas #644848
Special Assistant Corporation Counsel
Hollett Building
38 Main Street
Saugus, MA 01906
(781) 231-8090

Evan C. Ouellette, BBO # 655934
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4048

CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing and by postage prepaid, first class, U.S. Mail.

2/20/08 /s/ Helen G. Litsas

Date Helen G. Litsas

SERVED February 17, 2008 Dorchester, MA

SERVED ON (PRINT NAME) Carlos Fernandes MANNER OF SERVICE In-hand

SERVED BY (PRINT NAME) John E. Gamel TITLE Private Investigator

DECLARATION OF SERVER

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING INFORMATION CONTAINED IN THE PROOF OF SERVICE IS TRUE AND CORRECT.

EXECUTED ON 2/17/2008 John E. Gamel
DATE SIGNATURE OF SERVER

1501 Beacon St.; Brookline, MA 02446
ADDRESS OF SERVER

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the plaintiff
at:

Andrew Stockwell-Alpert
11 Beacon Street, Suite 1210
Boston, Massachusetts 02108

2/12/08 [Signature]
Date Helen G. Litsas

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SHENIA DANCY-STEWART as
Administratrix of the Estate of
EVELINE BARROS-CEPEDA,
Plaintiff,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants

AFFIDAVIT OF HELEN G. LITSAS

I, HELEN G. LITSAS, on oath, do hereby depose the following:

1. I currently represent the Defendants, the City of Boston, and Thomas Taylor, Jr., in the above-captioned matter.
2. On February 12, 2008, I provided a copy of the February 5, 2008 Order, the December 27, 2007 Order, the past deposition subpoenas in this matter, and a subpoena rescheduling her deposition to February 21, 2008, to Maria DaRosa's counsel, Eduardo Masferrer, by both facsimile and regular mail.
3. In-hand service of a copy of the February 5, 2008 Order, the December 27, 2007 Order, the past deposition subpoenas in this matter, and a subpoena rescheduling her deposition to February 21, 2008 was attempted twice upon Maria DaRosa on February 14, 2008 at her residence at 12 Greenheys Street, Dorchester, MA, by John Gamel.
3. In-hand service upon Maria DaRosa was again attempted on February 17, 2008 and February 18, 2008, but each of these attempts proved unsuccessful. In fact. By February 18, 2008, the doorbell to Ms. DaRosa's residence had been removed.
4. Given these unsuccessful in-hand service attempts, the

documents to be served were placed in an envelope and affixed with waterproof plastic tape to Ms. DaRosa's residence door at 12 Greenheys Street, Dorchester, MA on February 18, 2008.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 20th OF FEBRUARY.

/s/ Helen G. Litsas

/s/ Helen G. Litsas

SERVED February 18, 2008 DATE Boston, MA (12 Greenkeys Street) PLACE

SERVED ON (PRINT NAME) Maria DeRososa MANNER OF SERVICE By leaving A copy firmly attached (via tape) to entrance door of her residence.

SERVED BY (PRINT NAME) John E. Gamel TITLE Private Investigator

DECLARATION OF SERVER

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING INFORMATION CONTAINED IN THE PROOF OF SERVICE IS TRUE AND CORRECT.

EXECUTED ON February 18, 2008 DATE John E. Gamel SIGNATURE OF SERVER

1501 Beacon St; Brookline, MA
ADDRESS OF SERVER

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the plaintiff at:

Andrew Stockwell-Alpert
11 Beacon Street, Suite 1210
Boston, Massachusetts 02108

2/12/08 Date Helen G. Litsas



Maria DeRosa
12 Greenheys St. - Apt 2
Boston, MA 02121

Served by:
John E. Gamel
Tel: 617-270-7070
February 18, 2007 @ _____ PM

Contents:
1) Subpoena for testimony on
02/21/2008
2) Memorandum And Order of US
District Judge Mark Wolf, Dist. of Mass.

To Be Opened only by:
Maria DeRosa